

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, March 21, 2005

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Richard R. Melchert, Trinity Lutheran Parish; Dodge, Golden Valley, and Zap.

The roll was called and all members were present.

A quorum was declared by the President.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact a new section to chapter 49-03 of the North Dakota Century Code, relating to electric service area agreements; to amend and reenact sections 49-02-01.1 and 49-03-01.5 of the North Dakota Century Code, relating to the jurisdiction of the public service commission and definitions; and to declare an emergency.

The bill will be SB 2412.

REQUEST

SEN. EVERY REQUESTED that his remarks be printed in the Journal, which request was granted.

Proclamation

**Honoring the New Rockford-Sheyenne Boy's Basketball Team
on Winning Its First Class B Boy's Basketball Championship**

It is an honor today to stand and recognize the New Rockford-Sheyenne Rockets Basketball Team on its North Dakota Class B State Boy's Basketball Championship.

The 2005 Rockets finished with a record of 27 wins and one loss. This was the third straight trip to the State B for Coach Craig Demester and the New Rockford-Sheyenne Boy's Basketball Team. They had lost in the first round of the previous two state basketball tournaments, but the Rockets avenged those two losses Saturday evening with a 67-65 double-overtime victory against the Bottineau Braves in what is already being considered as one of the most exciting finishes in the tournaments championship game history.

In the championship game, the Rockets overcame a 16-point deficit in the fourth quarter, tied the game at the end of regulation, and ended it in double overtime on Michael Cudworth's 17 foot bank-shot at the buzzer. With the victory New Rockford-Sheyenne won its first Class B state boy's basketball title in school history.

The communities of New Rockford, Sheyenne, and the State of North Dakota are very proud of the New Rockford-Sheyenne Basketball Team and its accomplishment. I am proud to honor both the team and the New Rockford-Sheyenne boy's basketball program.

Congratulations to the New Rockford-Sheyenne Rockets on their first Class B Boy's Basketball Championship!

CONSIDERATION OF AMENDMENTS

HCR 3048, as engrossed: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ pages 910-911 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1239, as engrossed: SEN. TRAYNOR (Natural Resources Committee) MOVED that the amendments on SJ pages 903-904 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1376: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ page 905 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1484, as engrossed: SEN. SYVERSON (Judiciary Committee) MOVED that the amendments on SJ page 906 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1505, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1505 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that after action taken on the Sixth order, Engrossed HB 1076, HB 1333, and Engrossed HB 1509 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1076, as engrossed: SEN. TAYLOR (Education Committee) MOVED that the amendments on SJ pages 898-903 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to create and enact a new section to chapter 15.1-09 and a new section to chapter 15.1-18 of the North Dakota Century Code, relating to approval of teachers by the education standards and practices board; and to amend and reenact sections 15.1-06-06, 15.1-13-13, 15.1-18-02, 15.1-18-07, 15.1-18-08, 15.1-18-09, 15.1-18-10, and 15.1-18.1-02 of the North Dakota Century Code, relating to teaching licenses and the approval of teachers by the education standards and practices board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1076, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1333: SEN. G. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 904 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1333: A BILL for an Act to amend and reenact section 57-05-11 of the North Dakota Century Code, relating to confidentiality of information relating to assessment of railroad property.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

HB 1333, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1509, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 906-910 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1509: A BILL for an Act to create and enact a new chapter to title 53 of the North Dakota Century Code, relating to the licensing and regulating of internet live poker; to amend and reenact section 50-06-22 of the North Dakota Century Code, relating to the compulsive gambling prevention and treatment fund; to provide a penalty; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 3 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Syverson; Traynor; Triplett

NAYS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner; Warner

Engrossed HB 1509, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to create and enact two new subdivisions to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to adjustments to federal taxable income for corporate income tax purposes; to amend and reenact subdivision e of subsection 1 of section 57-38-30 of the North Dakota Century Code, relating to the imposition and rate of tax on corporations; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mathern; Mutch; Nething; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Every; Fairfield; Lindaas; Nelson; O'Connell; Robinson

HB 1108, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to transfers involving annuities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson;

Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Andrist

Engrossed HB 1248, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to amend and reenact section 4-28-03 of the North Dakota Century Code, relating to membership of the wheat commission; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Grindberg

Engrossed HB 1272, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact two new sections to chapter 20.1-03 of the North Dakota Century Code, relating to powers of the game and fish director and guiding on prohibited lands; to amend and reenact subsection 25 of section 20.1-01-02 and sections 20.1-03-37, 20.1-03-38, 20.1-03-39, and 20.1-03-40 of the North Dakota Century Code, relating to licensing and qualifications of guides and outfitters; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1276, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to bail bonds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson;

Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

HB 1290, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to rentals to deaf persons.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1350, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to amend and reenact section 12.1-17-01 of the North Dakota Century Code, relating to simple assault.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Warner

ABSENT AND NOT VOTING: Wardner

HB 1262 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1354: A BILL for an Act to amend and reenact subsection 18 of section 57-15-06.7 of the North Dakota Century Code, relating to the county levy for a county veterans' service officer; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Dever; Erbele; Every; Fairfield; Fischer; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Warner

NAYS: Bowman; Christmann; Cook; Espesgard; Flakoll; Kringstad; Mutch; Stenehjerm; Wardner

ABSENT AND NOT VOTING: O'Connell

Reengrossed HB 1354 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1368: A BILL for an Act to amend and reenact subsection 24 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for sales made to an emergency medical services provider; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Christmann; Fischer; Holmberg; Kilzer; Syverson

HB 1368 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1398: A BILL for an Act to amend and reenact section 57-15-06.6 and subsection 19.1 of section 57-15-06.7 of the North Dakota Century Code, relating to the county levy limitation for regional or county corrections centers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Holmberg; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Robinson; Schobinger; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Christmann; Cook; Espgaard; Freborg; Heitkamp; Kilzer; Kringstad; Lee, G.; Mutch; Nething; O'Connell; Stenehjerm; Syverson

Engrossed HB 1398 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to amend and reenact subsection 8 of section 57-15-06.7 of the North Dakota Century Code, relating to county levies for historical works; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Klein; Mathern; Tallackson; Tollefson; Traynor; Trenbeath

NAYS: Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1449 lost.

SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to create and enact a new subsection to section 57-43.1-01 of the North Dakota Century Code, relating to a definition of E85 fuel; to amend and reenact sections 57-43.1-02 and 57-43.1-28 of the North Dakota Century Code, relating to

reduced motor vehicle fuels tax rate for sales of E85 fuel, deposit of taxes on that fuel in the township highway aid fund, and to provide for transfer of funds to the highway tax distribution fund; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Dever; Espegard; Every; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Lee, G.; Lindaas; Mathern; Nething; O'Connell; Robinson; Schobinger; Stenehjorn; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

NAYS: Bowman; Christmann; Cook; Erbele; Freborg; Krebsbach; Kringstad; Lee, J.; Lyson; Mutch; Nelson; Seymour; Syverson; Warner

Engrossed HB 1478, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2133, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate bills on the Twelfth order with a DO NOT CONCUR designation be placed at the top of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2129 as printed on SJ page 754 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2129: Sens. J. Lee, Brown, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2149 as printed on SJ page 734 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2149: Sens. Dever, Brown, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to Engrossed SB 2251 as printed on SJ pages 786-787 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2251: Sens. Syverson, Hacker, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do not concur in the House amendments to SB 2256 as printed on SJ page 873 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2256: Sens. Lyson, Freborg, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to SB 2261 as printed on SJ page 736 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2261: Sens. Hacker, Nelson, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2294 as printed on SJ pages 787-788 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2294: Sens. Tollefson, Wardner, Heitkamp.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2298 as printed on SJ page 804 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2298: Sens. Brown, Lyson, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2324 as printed on SJ page 874 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2324: Sens. Dever, G. Lee, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to SB 2388 as printed on SJ page 755 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2388: Sens. J. Lee, Lyson, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do not concur in the House amendments to SCR 4021 as printed on SJ page 829 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4021: Sens. Erbele, Klein, Taylor.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Reengrossed SB 2248 as printed on SJ page 804, which motion prevailed on a voice vote.

Reengrossed SB 2248, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to amend and reenact subsection 1 of section 4-41-02, sections 12-60-16.6, 12-60-16.9, 12-60-24, and 15.1-13-14, subsection 1 of section 15.1-13-20, section 15.1-13-23, subsection 4 of section 43-17-07.1, and sections 43-30-06, 50-11.1-06.2, and 54-59-20 of the North Dakota Century Code, relating to criminal history record checks; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson;

Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Every

Reengrossed SB 2248 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2353, which motion prevailed on a voice vote.

Engrossed SB 2353, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to amend and reenact sections 44-06-02, 44-06-13, and 44-06-13.1 of the North Dakota Century Code, relating to regulation of notaries public.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Christmann; Cook; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nothing; Syverson; Tallackson; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner

NAYS: Bowman; Dever; Erbele; Fairfield; Heitkamp; Klein; Krauter; Lee, G.; Mutch; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Taylor; Tollefson; Warner

Reengrossed SB 2353 passed and the title was agreed to.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by employees of the department of career and technical education in the public employees retirement system; to amend and reenact section 15-39.1-09, subsection 4 of section 54-52-01, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to participation by employees of the department of career and technical education in the public employees retirement system; and to provide an appropriation.

The bill will be SB 2413.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House respectfully requests the return of: SB 2164.

MOTION

SEN. CHRISTMANN MOVED that the Senate accede to the request from the House for the return of SB 2164, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate accedes to the House request for the return of: SB 2164.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 329-4 be further amended to read "fifty-third" in place of "fifty-first", thereby changing the deadline for referrals to the **Appropriations Committee**, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2248 and SB 2353.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2129, SB 2149, SB 2251, SB 2256, SB 2261, SB 2294, SB 2298, SB 2324, SB 2388, and SCR 4021 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2129: Sens. J. Lee; Brown; Nelson

SB 2149: Sens. Dever; Brown; Warner

SB 2251: Sens. Syverson; Hacker; Triplett

SB 2256: Sens. Lyson; Freborg; Every

SB 2261: Sens. Hacker; Nelson; Triplett

SB 2294: Sens. Tollefson; Wardner; Heitkamp

SB 2298: Sens. Brown; Lyson; Warner

SB 2324: Sens. Dever; G. Lee; Triplett

SB 2388: Sens. J. Lee; Lyson; Warner

SCR4021: Sens. Erbele; Klein; Taylor

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1262, HB 1354, HB 1368, HB 1398.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1076, HB 1108, HB 1248, HB 1272, HB 1276, HB 1290, HB 1333, HB 1350, HB 1478.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1449.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1509.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1526.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1527.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1193 and HB 1211.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2115, SB 2239, SB 2268.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2147, SB 2188, SB 2190, SB 2215, SB 2272.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2147

Page 1, line 1, after "enact" insert "a new section to chapter 4-01 and"

Page 1, line 2, after "of" insert "a certified beef program and"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Certified beef program. The agriculture commissioner may collaborate with the state board of animal health, the North Dakota stockmen's association, North Dakota state university beef systems, and the United States secretary of agriculture to develop a source-verified and process-verified beef marketing program known as the certified beef program."

Page 2, line 23, replace "2" with "3"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2188

Page 1, line 11, replace "six-tenths" with "nine-tenths" and after "2005" insert "and eight and three-tenths percent for taxable years after 2005"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2190

Page 1, line 19, replace the first underscored comma with "or an annuity in which a settlement option has been selected, is"

Page 2, line 5, after "by" insert "the life expectancy tables used by", remove the overstrike over "~~the department of human services~~", and remove "a standard"

Page 2, line 6, remove "actuarial life expectancy table on the date of issuance of the annuity"

Page 2, line 14, after "of" insert "subsection 4 if House Bill No. 1248 becomes effective or, if House Bill No. 1248 does not become effective,"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to private sector employers securing health insurance through health insurance pools."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - PRIVATE SECTOR EMPLOYERS SECURING HEALTH INSURANCE THROUGH HEALTH INSURANCE POOLS. The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of private sector employers and self-employed individuals securing health insurance for permanent and temporary employees or themselves through a health insurance pool. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2272

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of circumstances in which property should cease to be considered agricultural property for property tax purposes and a legislative council study of transferability of income tax credits for installation of geothermal, solar, or wind energy devices."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL AGRICULTURAL PROPERTY STATUS FOR PROPERTY TAX PURPOSES STUDY. The legislative council shall consider studying, during the 2005-06 interim, circumstances in which property should cease to be considered agricultural property for property tax purposes. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

SECTION 2. LEGISLATIVE COUNCIL INCOME TAX CREDIT TRANSFERABILITY STUDY. The legislative council shall consider studying, during the 2005-06 interim, issues related to transferability of income tax credits for installation of geothermal, solar, or wind energy devices. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2031, SB 2111, SB 2303.

HOUSE AMENDMENTS TO SENATE BILL NO. 2031

Page 1, line 2, after "providers" insert "; and to provide for a report to the budget section"

Page 1, after line 8, insert:

"SECTION 2. BUDGET SECTION REPORT. The highway patrol shall provide a report to the budget section after July 1, 2006, regarding the progress and success of the training program provided for in this Act."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2111

Page 1, line 14, remove the overstrike over "~~Any~~", remove "If any", and remove "is held in a physical location."

Page 1, line 15, remove "the sale", overstrike "single publication of", overstrike "at least" and insert immediately thereafter "published once a week for", and after "two" insert "consecutive"

Page 1, line 16, overstrike "a newspaper" and insert immediately thereafter "four newspapers" and overstrike "county in which the"

Page 1, line 17, overstrike "property is to be sold" and insert immediately thereafter "counties with the four highest populations" and after the period insert "The notice must contain each available name of each owner of the property to be sold."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2303

Page 2, line 20, overstrike "fifty" and insert immediately thereafter "seventy-five"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2265, SB 2326.

HOUSE AMENDMENTS TO SENATE BILL NO. 2265

Page 4, replace lines 5 through 21 with:

- "f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a political subdivision's law enforcement operations.
 - (4) Providing or failing to provide fire protection services in the ordinary course of a political subdivision's fire protection operations.
- g. "Public duty" does not include action of the political subdivision or a political subdivision employee under circumstances in which a special relationship can be established between the political subdivision and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the political subdivision and the injured party.
 - (2) An assumption by the political subdivision, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.

- (3) Knowledge on the part of the political subdivision that inaction of the political subdivision could lead to harm.
- (4) The injured party's justifiable reliance on the political subdivision's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the political subdivision, or the political subdivision action increases the risk of harm."

Page 7, replace lines 20 through 30 with:

- "f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a state's law enforcement operations.
- g. "Public duty" does not include action of the state or a state employee under circumstances in which a special relationship can be established between the state and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the state and the injured party.
 - (2) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the state that inaction of the state could lead to harm.
 - (4) The injured party's justifiable reliance on the state's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the state, or the state action increases the risk of harm."

Page 8, remove lines 1 and 2

Page 8, line 3, replace "g." with "h."

Page 8, line 4, replace "h." with "i."

Page 8, line 8, replace "i." with "j."

Page 8, line 9, replace "j." with "k."

Page 8, line 11, replace "k." with "l."

Page 8, line 13, replace "l." with "m."

Page 8, line 16, replace "m." with "n."

Page 8, line 18, replace "n." with "o."

Page 8, line 21, replace "o." with "p."

Page 8, line 23, replace "p." with "q."

Page 8, line 25, replace "q." with "r."

Page 8, line 26, replace "r." with "s."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2326

Page 1, line 1, remove ", 4-10-06.1,"

Page 2, remove lines 21 through 30

Page 3, remove lines 1 through 13

Page 3, line 27, replace "3" with "2"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2245.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2164.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently failed: SB 2213.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2074, SB 2076, SB 2082, SB 2094, SB 2121, SB 2132, SB 2150, SB 2158, SB 2162, SB 2167, SB 2194, SB 2201, SB 2209, SB 2220, SB 2231, SB 2252, SB 2260, SB 2293, SB 2295, SB 2338, SB 2349, SB 2351, SB 2401.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4001, SCR 4003, SCR 4005, SCR 4009, SCR 4010, SCR 4011, SCR 4015, SCR 4016, SCR 4019, SCR 4024, SCR 4026, SCR 4027, SCR 4031, SCR 4032, SCR 4033.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed: HB 1055, HB 1073, HB 1175, HB 1254, HB 1265, HB 1283, HB 1360, HB 1482, HCR 3013, HCR 3019, HCR 3024, HCR 3025.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1041, HB 1052, HB 1064, HB 1086, HB 1091, HB 1156, HB 1178, HB 1241, HB 1263, HB 1413.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 22, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1130: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1130 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1148, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1148, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1279, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1279 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1408, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1408 was placed on the Sixth order on the calendar.

Page 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the department of corrections and rehabilitation for a pilot project for an alternative care program for adults with substance abuse issues; and to provide for a report to the legislative assembly.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - PILOT PROJECT - REPORT TO SIXTIETH LEGISLATIVE ASSEMBLY. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of reimbursing a nonprofit, faith-based organization in North Dakota for room and board costs associated with an extended residential care program in northwestern North Dakota for indigent adults with alcohol or other substance abuse issues as a pilot project, for the biennium beginning July 1, 2005, and ending June 30, 2007. The recipient, selected by a competitive bid process, shall use the funding for room and board costs relating to the pilot project. The department shall establish criteria that meets standards and best practices of the American corrections association for the population to be served and for the residential care services to be provided. The department shall provide a report to the sixtieth legislative assembly on the pilot project. The report must include information on the results and outcomes of the pilot project, the department's recommendations regarding continuing or expanding funding for the program, and its recommendations regarding the development of a payment system for room and board costs for these residential care services providers."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1431: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1431 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1433 was placed on the Sixth order on the calendar.

Page 1, line 2, after "16.1-11-27" insert ", 16.1-11-30"

Page 1, line 3, remove "and" and after "40-21-02" insert ", 44-02-05, and 44-02-08"

Page 9, after line 10, insert:

"SECTION 10. AMENDMENT. Section 16.1-11-30 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-30. Separate column on primary election ballot required for each political party. Any party that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election; any party that had printed on the ballot at the last preceding non-presidential election a candidate for attorney general or secretary of state, and the candidate received at least five percent of the total vote cast for the office the candidate was seeking at the election; or any party that has organized according to all the requirements of chapter 16.1-03 must be provided with a separate column on primary election ballots.

Any other political organization is entitled to endorse candidates or have candidates petition to be included on the primary ballot in a consolidated column or on a special election ballot, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the sixtieth day before a primary or special election, naming the political organization, stating the platform principles of the party, and requesting the names of its candidates to be included on the state's primary ballot in a consolidated column. If the petition is mailed, it must be in the possession of the secretary of state before four p.m. on the sixtieth day prior to a

primary or special election. Candidates of that party are entitled to the same rights and privileges as those of other parties. Petitions circulated according to this section must be filed with the secretary of state in accordance with section 1-01-50.

A political organization that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election are entitled to organize according to the requirements of chapter 16.1-03."

Page 11, after line 16, insert:

"SECTION 16. AMENDMENT. Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

44-02-05. Vacancy in board of county commissioners - How filled. When a vacancy occurs in the board of county commissioners, the remaining members of the board, with the district judge selected by the remaining county commissioners, immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the vacancy, the county treasurer or, if the county does not have an elected treasurer, another elective county officer must be called in and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election that occurs at least sixty days after the vacancy and the successor has qualified.

SECTION 17. AMENDMENT. Section 44-02-08 of the North Dakota Century Code is amended and reenacted as follows:

44-02-08. Appointment to be made in writing - Term. Any appointment to fill a vacancy under ~~the provisions of~~ this chapter must be made in writing, and, except as otherwise expressly provided by law, continues in force until the first general election ~~thereafter~~ that occurs at least sixty days after the vacancy, when the vacancy will be filled by election, and thereafter until the appointee's successor by election is qualified."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1438, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1438 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 40-01.1-02"

Page 1, line 2, after "studies" insert "; and to repeal chapter 40-01.1 of the North Dakota Century Code, relating to local governance option advisory studies"

Page 1, line 15, overstrike "The analysis may be performed as part of a study process initiated pursuant to"

Page 1, overstrike line 16

Page 1, line 17, overstrike "3."

Page 2, line 14, overstrike "4." and insert immediately thereafter "3."

Page 2, line 27, replace "**AMENDMENT.** Section 40-01.1-02" with "**REPEAL.** Chapter 40-01.1"

Page 2, replace lines 28 through 31 with "repealed."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1453, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1453 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "subsection" with "subsections"

Page 1, line 4, replace "A" with "Two" and replace "subsection" with "subsections"

Page 1, line 5, replace "is" with "are"

Page 1, line 6, after "member" insert "or a former member"

Page 1, after line 6, insert:

"A former governor of North Dakota."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1511: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1511 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1517, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1517 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Stenehjem, O'Connell and Reps. Berg, Boucher introduced:
(Approved by the Delayed Bills Committee)

SB 2412: A BILL for an Act to create and enact a new section to chapter 49-03 of the North Dakota Century Code, relating to electric service area agreements; to amend and reenact sections 49-02-01.1 and 49-03-01.5 of the North Dakota Century Code, relating to the jurisdiction of the public service commission and definitions; and to declare an emergency.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Cook, Kringstad and Reps. R. Kelsch, Martinson, Porter introduced:
(Approved by the Delayed Bills Committee)

SB 2413: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by employees of the department of career and technical education in the public employees retirement system; to amend and reenact section 15-39.1-09, subsection 4 of section 54-52-01, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to participation by employees of the department of career and technical education in the public employees retirement system; and to provide an appropriation.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

The Senate stood adjourned pursuant to Senator Christmann's motion.

William R. Horton, Secretary

